Supreme Court, U.S.
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No. 01-1242

In the Supreme Court of the United States

EMILY AMPS, *et al.*,
Appellants,
v.
STATE OF TEXAS, *et al.*,
Appellees.

On Appeal from the United States District Court for the Eastern District of Texas, Tyler Division

MOTION TO AFFIRM

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QUESTIONS PRESENTED

1. Whether the judgment should be summarily affirmed because §2 of the Voting Rights Act does not require a State to draw "influence" districts.

2. Whether Appellants have presented a legitimate evidentiary basis to support their minority-fragmentation claim.

3. Whether political gerrymandering violates the Fourteenth Amendment under the facts of this appeal.

4. Whether the three-judge court properly refused to allow the deposition of Texas Attorney General John Cornyn and other members of the Texas Legislative Redistricting Board because the Texas Supreme Court determination that, as a matter of state law, those officials were immune from testifying about acts taken in their legislative capacity.

LIST OF PARTIES

Although Appellants properly list Henry Cuellar, in his capacity as Texas Secretary of State, as a party to the action below, he is not a party to this appeal because the current Texas Secretary of State is Gwyn Shea.

Former Texas Secretary of State Cuellar was originally named in his official capacity as a defendant below, but he resigned from office in late 2001. Geoffrey S. Connor then served as Acting Secretary of State, and he automatically substituted for Secretary Cuellar in the proceeding below. FED. R. CIV. P. 25(d)(1). For this appeal, however, the current Secretary of State, Gwyn Shea, is automatically substituted, in her official capacity, in place of Acting Secretary Connor. SUP. CT. R. 35.3.

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MOTION TO AFFIRM

Pursuant to Supreme Court Rule 18.6, the State of Texas, Texas Governor Rick Perry, and Texas Secretary of State Gwyn Shea (collectively "the State") move for the Court to affirm the judgment below on the ground that the questions presented are so insubstantial as to not require further argument.[1] SUP. CT. R. 18.6.

STATEMENT OF THE CASE

The State objects to Appellants' Statement of the Case and directs the Court to the statement of proceedings set forth in the three-judge court's opinion, which is a fair recitation of the proceedings leading up to this appeal. J.S. App., at 1-4.[2]

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1. The State originally filed a timely waiver of response to this direct appeal. Since there is no jurisdictional bar to filing a motion to affirm at this time, the State submits this motion to assist in the Court's disposition of the appeal.

2. Appellants' jurisdictional statement will be cited as "J.S.," and their appendix items will be cited as "J.S. App."

The State also objects to Appellants' characterization of the evidence and the opinion below—including Appellants' assertion that the three-judge court "found that the combined Latino, African-American and Asian minority population did work as a coalition and voted cohesively but did not constitute a majority of a single member district so as to comply with *Thornburg v. Gingles*, 478 U.S. 30 (1986)." J.S., at 4. The opinion patently refutes Appellants' suggestion that the court found that a cohesive voting coalition exists:

> "[The Amps intervenors'] proposed minority opportunity district relies on a *supposed* coalition of Latino, Asian, and African-American populations to achieve majority-minority populations, presenting testimony that members of these populations have worked together in campaigns. The evidence does not persuade us, however, that Latinos, Asians, and African-Americans *vote cohesively* as required by *Thornburg v. Gingles* so as to constitute a majority in a single-member district." J.S. App., at 6-7 (emphasis added) (footnote omitted).

To the extent Appellants presented evidence at trial about the existence of a three-way coalition, they merely showed *cooperation* on some political campaigns—not *cohesion* in voting patterns. Cooperative political behavior is vastly different from the cohesive voting strength necessary to satisfy *Gingles*, and Appellants' assertion that they presented evidence establishing a voting-pattern coalition is both erroneous and belied by the court's opinion.

Additionally, the State objects to Appellants' broad and unsupported statement that they showed a "continuing history of suppression of the votes of minorities in Tarrant County." J.S., at 4-5. Appellants also erroneously state that African-Americans are "packed" into Tarrant County's District 95. There is no support for this contention. Appellants misleadingly point to *combined*

African-American *and* Latino populations of "77.4%"[3] as evidencing packing of African-Americans. J.S., at 5. The actual number of African-Americans in District 95, however, is far less. In the court's map, the African-American population of District 95 is 51.1%, and the voting age population—which is generally considered a better indication of potential African-American voting strength than overall population numbers—is 48.8%. App., at 1. The less-than-50% African-American voting age population in District 95 hardly indicates "packing."

Moreover, while Appellants object to the court's plan, they offered two plans at trial with numbers remarkably similar to the court's plan for Tarrant County: Plans 1319-H and 1328-H.[4] Indeed, the numbers for District 95 in Appellants' Plan 1328-H are almost identical to—and, as to combined populations, slightly higher than—the court's plan. App., at 1 & 3.

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3. The true combined African-American and Latino total population is 71.0%, not 77.4%, as Appellants incorrectly state. *See* App., at 1.

4. In all of the plans relevant to this appeal, Tarrant County contains the same ten numerical districts: Districts 90 through 99. The population statistics for these districts in the court-drawn House Plan—Plan 1369-H—are reproduced at page 1 of the Appendix. These districts can also be found online on the Texas Legislative Council's website at http://gis1.tlc.state.tx.us/static/pdf/planh01369r.pdf. The statistics for the relevant districts in Appellants' Plans—Plans 1319-H and 1328-H—are reproduced at pages 2 and 3 of the Appendix, respectively, and can be found at http://gis1.tlc.state.tx.us/plans/planh01319/red200.pdf and http://gis1.tlc.state.tx.us/plans/planh01328/red200.pdf. The numbers for the Texas Legislative Redistricting Board's Plan—Plan 1289-H—are reproduced at page 4 of the Appendix and also can be found at http://gis1.tlc.state.tx.us/static/pdf/planh01369r.pdf.

District 95	Amps 1328-H	Court's 1369-H
Black Population	51%	51.1%
Black VAP[5]	48.9%	48.8%
Hispanic Population	20.9%	20.5%
Hispanic VAP	18.2%	17.7%
SSRV[6]	6.3%	5.9%
Combined Black and Hispanic Population	71.4%	71%
Combined Black and Hispanic VAP	66.7%	66.1%

Similarly, Appellants suggest that District 90 is packed in the court's plan, when, again, Appellants' Plan 1319-H contains

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5. Voting age population (VAP) numbers are shown to provide a comparison between the combined African-American and Latino population and the combined African-American and Latino *voting age* population. *See* App., at 1, 3.

6. The numbers showing Spanish surname registered voters (SSRV), as opposed to Latino voting age population, are generally considered to be the most relevant measure of Latino voting strength because a lower citizenship rate among Latinos produces a lower number of potential voters than overall population figures would suggest. The SSRV numbers are located in the tables included in the Appendix under the headings "General Election History," "Voter Reg," and "% Span." *See* App., at 1-3; *see also supra* n.4 (setting out the Texas Legislative Council website addresses for the plans' statistical packages).

population numbers that are virtually identical to, or higher than, the court's numbers. App., at 1 & 3.

District 90	Amps 1319-H	Court's Plan
Black Population	7.7%	9.5%
Black VAP	7.9%	10.1%
Hispanic Population	68.9%	65%
Hispanic VAP	63.4%	58.9%
SSRV	41.4%	39.1%
Combined Black and Hispanic Population	76.2%	74.1%
Combined Black and Hispanic VAP	70.9%	68.7%

Simply put, the statistics Appellants cite in support of their "packing" claim are either wrong or misleading. And there is nothing other than anecdotal evidence to support their coalition claims. Absent true packing statistics or statistical evidence regarding the coalition's voting cohesiveness over the course of time, the three-judge court correctly rejected Appellants' arguments and this Court should disregard the erroneous and misleading numbers discussed in Appellants' jurisdictional statement.

ARGUMENT

I. THE QUESTIONS PRESENTED ARE NOT SUBSTANTIAL AND THE COURT SHOULD SUMMARILY AFFIRM.

A. There Is No Statutory or Constitutional Requirement to Draw Influence Districts.

Appellants' argument rests on the incorrect premise that the "District Court held that since [the] minority coalition was not the majority voting age in a single member district as District 93 existed before redistricting and not a majority in the District following redistricting no violation of the Voting Rights Act occurred." J.S., at 10-11. This purported synopsis of the three-judge court's ruling is, frankly, baffling and absolutely incorrect. Instead, the three-judge court held that Appellants failed to prove that a three-way coalition of African-Americans, Latinos, and Asians was a cohesive voting majority sufficient to meet the requirements of *Gingles*. J.S. App., at 6-7.[7] No other reason, much less those proffered by Appellants, were cited by the court.

Unable to establish a cohesive voting majority, Appellants erroneously argue that the three-judge court's failure to draw an influence district violates §2 of the Voting Rights Act. *See* 42 U.S.C. §1973. The Court should reject Appellants' analysis.

The question of influence districts has been raised since the Court's decision in *Gingles*. 478 U.S., at 46-47 & n.12. But the Court has consistently declined to address whether influence-

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7. Appellants cursorily assert in their statement of facts that the group is cohesive but offer no argument or material evidentiary support. The only evidentiary references they provide—including their expert report, J.S. App., at 21-29—are anecdotal and lack any statistical basis. And the anecdotal evidence solely addresses cooperation, not the political *cohesion* required under §2.

district claims are cognizable under §2. *See, e.g., Johnson v. De Grandy*, 512 U.S. 997, 1008-09 (1994) (assuming, without deciding, that *Gingles*'s first prong could be satisfied by a minority group that fails to comprise an absolute majority of the relevant population in additional districts) (citing similar approaches in *Voinovich v. Quilter*, 507 U.S. 146, 154 (1993), *Growe v. Emison*, 507 U.S. 25, 41-42 & n.5 (1993), and *Gingles*, 478 U.S., at 46-47 & n.12).

Only two circuits have squarely addressed the issue and both rejected the existence of a §2 influence claim. *See Cousin v. Sundquist*, 145 F.3d 818, 828-29 (CA6 1998), *cert. denied*, 525 U.S. 1138 (1999); *McNeil v. Springfield Park Dist.*, 851 F.2d 937, 947 (CA7 1988). Additionally, the Fifth Circuit has implicitly rejected the influence-claim concept. *See Valdespino v. Alamo Heights Indep. Sch. Dist.*, 108 F.3d 848, 852-53 (CA5 1999) (noting that this Court has always required "vote dilution claimants to prove that their minority group exceeds 50% of the relevant population in the demonstration district," with the "relevant" population being determined by "voting-age and citizenship"), *cert. denied*, 528 U.S. 1114 (2000).

Appellants argue that the Ninth Circuit's decision in *Garza v. County of Los Angeles*, 918 F.2d 763, 776 (CA9 1990), *cert. denied*, 498 U.S. 1028 (1991), conflicts with the Fifth Circuit's decision in *Valdespino*. This is incorrect. While the Fifth Circuit implicitly rejected influence district claims in *Valdespino*, the Ninth Circuit did not recognize the validity of influence-district claims but, instead, rejected a county redistricting board's map based on purposeful discrimination.[8]

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8. To the extent Appellants argue that *Garza* conflicts with *Valdespino* on the proof required to establish a purposeful discrimination claim, no conflict exists because *Valdespino* did not involve a purposeful discrimination claim. *See Valdespino*, 168 F.3d, at 850.

In short, the concept of influence districts has floated about for more than sixteen years, and the circuits have uniformly rejected those claims. Because the lower courts are resolving the issue in a consistent fashion, there is no conflict or uncertainty warranting this Court's intervention, and, accordingly, the question is not substantial.

Indeed, moving from *Gingles*'s clearly delineated 50% threshold toward an "influence" standard would inevitably push courts away from judicially manageable criteria and toward the political thicket. *See, e.g., Gaffney v. Cummings*, 412 U.S. 735, 749-50 (1973) (warning courts of the hazards of the "political thicket" when adjudicating reapportionment cases). "Influence" is a particularly amorphous concept, as virtually any level of concentration of a racial or ethnic group can amount to some level of influence. How is a court to determine when that level is sufficiently high to be judicially cognizable? If the Court is to address the question of influence districts, it should to do so only after conflicts develop in the lower courts, presenting a concrete "influence" issue for this Court to review.

Further, if the Court addresses the topic of influence claims, it should be with a well-developed record that fairly presents a factual basis for such a claim—not with the record here, which contains only generalized anecdotal evidence that the three-judge court found unconvincing. The judgment should be affirmed.

B. Appellants' Fragmentation Argument Lacks a Legitimate Evidentiary Basis.

Appellants argue that their redistricting plans demonstrated that a "combined minority citizen voting age population in excess of 50% was easily obtainable in District 93," but that this minority population group was improperly fragmented by the Legislative

Redistricting Board ("LRB")[9] plan. J.S., at 15-16. Appellants fail, however, to provide population numbers that support their claim.

To state a valid fragmentation claim, Appellants must show an effective minority concentration that was fragmented and divided among other districts so as to dilute an otherwise effective minority vote. *See Voinovich*, 507 U.S., at 153 (noting that a vote-dilution claim based on fragmentation occurs when a "politically cohesive minority group large enough to constitute the majority in a single-member district" is fragmented and divided among various districts so that it is a majority in none). Appellants' numbers, however, do not establish a minority VAP concentration approaching a majority—much less a majority fragmented by the LRB plan.[10] App., at 2-4.

District 93	Amps 1328-H	Amps 1319-H	LRB 1289-H
Black VAP	18.0%	17.7%	16.7%
Hispanic VAP	28.2%	27.4%	22.4%
SSRV	11.3%	11%	9.5%
Other VAP	9.1%	9.3%	8.8%
Combined Black and Hispanic VAP	45.9%	44.9%	38.8%

9. The LRB has a constitutional duty to reapportion the Texas House of Representatives and Texas Senate, but not Congress, after a decennial census if the Texas Legislature fails to act. TEX. CONST. art. III, §28.

10. When the three-judge court drew its plan, it adopted the LRB's configuration of the Tarrant County districts so that those numbers are identical. *Compare* App., at 1, *with* App, at 4.

Indeed, the differences in District 93 between Appellants' plans and the LRB plan are relatively minor. And because the statistics available to the parties and the court did not break out Asians as a separate category, but included them within "Other," there is no real evidence that an African-American-Latino-Asian group could comprise a majority, much less a politically cohesive minority group.[11] Accordingly, the three-judge court's judgment should be affirmed.

C. Appellants Do Not State a Viable Political Gerrymandering Claim Because There Is No Evidence That Any Group Has Been Effectively Denied a Fair Chance to Participate in the Political Process.

Political gerrymandering violates the Fourteenth Amendment "only when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole," so that a "particular group has been unconstitutionally denied its chance to effectively influence the political process." *Davis v. Bandemer*, 478 U.S. 109, 132-33 (1986). "Such a finding of unconstitutionality must be supported by evidence of continued frustration of the will of a majority of the

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11. Moreover, even if statistics for Asians could be ascertained, Appellants' "majority" coalition utilizes Latino VAP, rather than SSRV, even though SSRV is a more accurate measure of Latino voting strength because a lower citizenship rate among Latinos tends to produce a lower number of potential voters than overall population figures or VAP would suggest. The fact is illustrated by the statistics in the table for District 93, in which SSRV is approximately 40% of Latino VAP. *See* App., at 2 (showing District 93 as containing a Latino VAP of 27.4%, and an SSRV of 11%). This is just one of the reasons why Appellants' calculations are unreliable. They not only fail to use the most accurate measure of voting strength, but they also use inconsistent measures in their calculations, relying at times on total population numbers and at other times on VAP. *See, e.g.* J.S., at 5.

voters or effective denial to a minority of voters of a fair chance to influence the political process." *Id.*, at 133. Evidence that falls short of this threshold is insufficient to make out a political-gerrymandering claim. Indeed, "the mere fact that a particular apportionment scheme makes it more difficult for a particular group in a particular district to elect the representatives of its choice does not render that scheme constitutionally infirm." *Id.*, at 131.

Appellants failed to introduce evidence establishing a viable political-gerrymandering claim. Indeed, Appellants do not attempt to show degradation of voter participation in the political process, but instead argue that once a court determines that political gerrymandering occurred, as did the three-judge panel here, the court must invalidate the plan. There is no support for Appellants' proposition.

This Court has made clear that "partisan line-drawing" is an inevitable consequence of legislative districting efforts:

> "We are quite unconvinced that the reapportionment plan offered by the three-member Board violated the Fourteenth Amendment because it attempted to reflect the relative strength of the parties in locating and defining election districts. It would be idle, we think, to contend that any political consideration taken into account in fashioning a reapportionment plan is sufficient to invalidate it. Our cases indicate quite the contrary. Politics and political considerations are inseparable from districting and apportionment." *Gaffney*, 412 U.S., at 752 (citations omitted).

The Court should decline Appellants' invitation to equate the mere existence of political considerations in the districting process with purposeful or invidious discrimination. Such an approach would plunge the Court into the "political thicket," compelling the

type of judicial second-guessing of state legislatures that the Court has steadfastly rejected. *Id.*, at 749-50.

> "It is not only obvious, but absolutely unavoidable, that the location and shape of districts may well determine the political complexion of the area. District lines are rarely neutral phenomena. They can well determine what district will be predominantly Democratic or predominantly Republican, or make a close race likely. Redistricting may pit incumbents against one another or make very difficult the election of the most experienced legislator. The reality is that districting inevitably has and is intended to have substantial political consequences." *Id.*, at 752-53.

In *Gaffney* and *Davis*, the Court recognized that political considerations by a legislative body are an inevitable part of the districting process, and the Court appropriately rejected partisan-based constitutional challenges in both of these cases. Here, too, the Court should reject Appellants' partisan-based claims and affirm the judgment of the three-judge court.

Finally, Appellants erroneously argue that political gerrymandering denied them their First Amendment right to freedom of association because it discriminates based on political-party preference. J.S., at 21-22. Appellants sole authority, *Elrod v. Burns*, 327 U.S. 347 (1976), is inapposite. In *Elrod*, the Court held that patronage dismissals of non-policymaking government employees violate the First Amendment's right of freedom of association. There is no case extending *Elrod*'s employment holding to the redistricting context—and for a very good reason. *Elrod* is grounded in the notion that a dismissal from government employment can be unconstitutional if impermissibly based on political considerations. *See Elrod*, 427 U.S., at 372-73. But, as this Court has consistently recognized, redistricting is an inherently political activity. *Davis*, 478 U.S., at 131-33; *Gaffney*, 412 U.S., at 752-53. Appellants' reliance on *Elrod* confuses apples and

oranges. *Elrod* does not and cannot extend to redistricting activities, and the district court's judgment should be affirmed.[12]

D. The Three-Judge Court Correctly Refused to Allow the Deposition of Attorney General John Cornyn Because He Is Protected by Legislative Immunity.

Pursuant to *Growe v. Emison*, 507 U.S. 25 (1993), the three-judge panel abated its proceedings to give Texas's state courts an opportunity to address redistricting concerns. In both the state and federal courts, certain parties sought the depositions of Attorney General John Cornyn and other members of the LRB, arguing that their testimony was needed to show an intent to discriminate.[13] On mandamus to the Supreme Court of Texas, the Court held that, as a matter of state law, legislative immunity shielded the members of the LRB from testifying about the legislative process. *In re Perry*, 60 S.W.3d 857, 860-62 (Tex. 2001). Based on *Perry*, the three-judge panel quashed Appellants' deposition notices.

The Court should affirm the three-judge court's ruling, because the LRB members are entitled to legislative immunity not only under state law, but also under federal law. Individuals are immune from liability for taking actions in a legislative capacity.[14] *See, e.g., Bogan v. Scott-Harris*, 523 U.S. 44, 55 (1998) (applying legislative immunity to city officials); *Supreme Ct. of Va. v. Consumers*

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12. Moreover, Appellants apparently did not raise this argument below, and it is therefore waived.

13. The LRB is comprised of the Lieutenant Governor, the Attorney General, the Comptroller, the General Land Commissioner, and the Speaker of the Texas House of Representatives. TEX. CONST. art. III, §28.

14. Appellants seem to suggest that because legislative immunity is not listed in the Federal Rules of Evidence it has not been recognized by the federal courts. This, of course, is entirely incorrect. *See Tenney v. Brandhove*, 341 U.S. 367, 376 (1951).

Union, 446 U.S. 719, 734 (1980) (recognizing the legislative immunity of a court and its justices when promulgating the code of professional responsibility); *Lake Country Estates, Inc. v. Tahoe Regional Planning Agency*, 440 U.S. 391, 402-06 (1979) ("[R]egional legislators," to the extent they act in a capacity comparable to members of a state legislature, are absolutely immune from suit); *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951) (recognizing legislative immunity for members of a state senate committee).

As the Texas Supreme Court held, members of the LRB act in a "legislative capacity when apportioning senatorial and representative districts pursuant to constitutional mandate." *Perry*, 60 S.W.3d, at 860. They are therefore entitled to legislative immunity, and the three-judge court correctly quashed the deposition of Attorney General Cornyn, a member of the LRB.[15]

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15. Moreover, the Court should decline to review this ruling because it is premised on a question of state-law immunity determined by the Supreme Court of Texas, whose judgment is not properly before this Court on appeal.

CONCLUSION

The Court should summarily affirm the judgment of the three-judge court. SUP. CT. R. 18.12.

Respectfully submitted,

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POPULATION AND GENERAL ELECTION HISTORY
HOUSE DISTRICTS - PLAN 01369H

PLAN 01369H		2000 CENSUS													GENERAL ELECTION HISTORY*						
		TOTAL POPULATION							% POPULATION					-YEAR-	—VOTER REG—		—TURNOUT—		STATEWIDES**	
DIST		DEVIATION		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%B+H	%O		TOTAL	%SPAN	TOTAL	TO/VR	%DEM	%REP
89	Total	-4,462	(-3.21%)	134,550	111,612	4,597	14,237	18,709	4,229	83.0	3.4	10.6	13.9	3.1	2000	70,406	4.1	49,234	69.9%	23.6	76.4
	VAP			94,206	79,900	2,879	8,575	11,408	2,898	84.8	3.1	9.1	12.1	3.1	1998	60,101	3.6	24,643	41.0%	25.3	74.7
90	Total	+3,547	(+2.55%)	142,559	32,592	13,526	92,706	105,671	4,296	22.9	9.5	65.0	74.1	3.0	2000	42,093	39.1	23,062	54.8%	63.8	36.2
	VAP			97,252	27,424	9,812	57,274	66,795	3,033	28.2	10.1	58.9	68.7	3.1	1998	41,629	35.5	12,875	30.9%	65.8	34.2
91	Total	+5,464	(+3.93%)	144,476	105,759	11,349	18,459	29,535	9,182	73.2	7.9	12.8	20.4	6.4	2000	68,957	6.6	46,686	67.7%	33.1	66.9
	VAP			104,676	79,333	7,393	11,720	18,989	6,354	75.8	7.1	11.2	18.1	6.1	1998	65,626	5.8	23,184	35.3%	34.3	65.7
92	Total	+6,454	(+4.64%)	145,466	108,055	9,690	17,478	26,934	10,477	74.3	6.7	12.0	18.5	7.2	2000	71,740	5.4	51,514	71.8%	30.2	69.8
	VAP			110,865	85,298	6,629	11,645	18,157	7,410	76.9	6.0	10.5	16.4	6.7	1998	69,549	4.9	27,650	39.8%	30.1	69.9
93	Total	+6,594	(+4.74%)	145,606	69,780	27,182	36,624	63,179	12,647	47.9	18.7	25.2	43.4	8.7	2000	53,939	9.5	35,743	66.3%	41.2	58.8
	VAP			103,524	54,266	17,281	23,189	40,163	9,095	52.4	16.7	22.4	38.8	8.8	1998	51,087	8.3	17,658	34.6%	39.4	60.6
94	Total	+6,514	(+4.69%)	145,526	101,528	14,526	19,905	34,096	9,902	69.8	10.0	13.7	23.4	6.8	2000	74,993	4.9	54,947	73.3%	30.1	69.9
	VAP			107,718	78,389	9,201	12,908	21,954	7,375	72.8	8.5	12.0	20.4	6.8	1998	74,875	4.4	32,827	43.8%	30.7	69.3
95	Total	+3,005	(+2.16%)	142,017	37,419	72,513	29,101	100,887	3,711	26.3	51.1	20.5	71.0	2.6	2000	66,148	5.9	42,118	63.7%	75.4	24.6
	VAP			99,477	31,110	48,502	17,615	65,736	2,631	31.3	48.8	17.7	66.1	2.6	1998	66,335	5.1	26,723	40.3%	76.1	23.9
96	Total	+6,613	(+4.76%)	145,625	99,967	20,284	17,025	36,947	8,711	68.6	13.9	11.7	25.4	6.0	2000	72,551	7.2	50,820	70.0%	34.8	65.2
	VAP			99,304	70,705	12,524	10,364	22,730	5,869	71.2	12.6	10.4	22.9	5.9	1998	65,129	6.6	24,232	37.2%	34.8	65.2
97	Total	+5,427	(+3.90%)	144,439	106,894	12,385	20,058	32,204	5,341	74.0	8.6	13.9	22.3	3.7	2000	79,209	6.0	59,910	75.6%	33.7	66.3
	VAP			112,008	86,695	8,173	13,149	21,225	4,088	77.4	7.3	11.7	18.9	3.6	1998	76,784	5.5	37,286	48.6%	34.8	65.2
98	Total	+5,769	(+4.15%)	144,781	122,703	3,832	11,481	15,174	6,904	84.8	2.6	7.9	10.5	4.8	2000	79,883	4.3	60,239	75.4%	21.9	78.1
	VAP			97,271	83,299	2,328	7,235	9,483	4,489	85.6	2.4	7.4	9.7	4.6	1998	69,833	3.9	28,191	40.4%	22.3	77.7
99	Total	+6,712	(+4.83%)	145,724	110,556	7,302	22,453	29,521	5,647	75.9	5.0	15.4	20.3	3.9	2000	71,362	7.4	48,867	68.5%	34.5	65.5
	VAP			107,652	84,779	4,787	14,086	18,768	4,105	78.8	4.4	13.1	17.4	3.8	1998	67,718	6.4	26,910	39.7%	37.4	62.6

* In most contests, election results do not include results from third party, independent, or write-in candidates. Complete official results are maintained by the office of the secretary of state.
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RED-M200
Data: 2000 Census
PLAN 01319H 10/08/01 10:03:03

POPULATION AND GENERAL ELECTION HISTORY
HOUSE DISTRICTS - PLAN 01319H

PLAN 01319H		2000 CENSUS												GENERAL ELECTION HISTORY*						
		TOTAL POPULATION							% POPULATION					-YEAR-	VOTER REG		TURNOUT		STATEWIDES**	
DIST		DEVIATION		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%B+H	%O		TOTAL	%SPAN	TOTAL	TO/VR	%DEM	%REP
89	Total	+ 6,321	(+4.55%)	145,333	100,703	12,803	26,608	39,119	5,511	69.3	8.8	18.3	26.9	3.8	2000	69,702	7.9	47,404	68.0%	39.2	60.8
	VAP			108,406	78,886	8,644	16,950	25,465	4,055	72.8	8.0	15.6	23.5	3.7	1998	68,048	6.8	27,765	40.8%	41.9	58.1
90	Total	+ 426	(+0.31%)	139,438	29,121	10,712	96,049	106,192	4,125	20.9	7.7	68.9	76.2	3.0	2000	40,624	41.4	21,721	53.5%	63.4	36.6
	VAP			92,990	24,145	7,341	58,913	65,953	2,892	26.0	7.9	63.4	70.9	3.1	1998	40,467	37.1	12,140	30.0%	64.9	35.1
91	Total	+ 5,968	(+4.29%)	144,980	87,364	26,165	22,925	48,642	8,974	60.3	18.0	15.8	33.6	6.2	2000	63,994	6.6	42,565	66.5%	43.5	56.5
	VAP			107,441	69,826	17,003	14,476	31,280	6,335	65.0	15.8	13.5	29.1	5.9	1998	62,332	5.8	23,435	37.6%	43.7	56.3
92	Total	+ 6,339	(+4.56%)	145,351	117,379	6,434	11,856	18,133	9,839	80.8	4.4	8.2	12.5	6.8	2000	79,265	4.5	59,527	75.1%	26.2	73.8
	VAP			109,110	89,724	4,471	8,113	12,499	6,887	82.2	4.1	7.4	11.5	6.3	1998	75,851	4.1	31,759	41.9%	26.3	73.7
93	Total	+ 6,150	(+4.42%)	145,162	59,326	29,039	44,480	72,868	12,968	40.9	20.0	30.6	50.2	8.9	2000	47,240	11.0	29,489	62.4%	46.6	53.4
	VAP			101,758	46,696	18,047	27,894	45,643	9,419	45.9	17.7	27.4	44.9	9.3	1998	46,998	9.5	15,644	33.3%	44.2	55.8
94	Total	+ 5,758	(+4.14%)	144,770	106,085	14,663	14,030	28,358	10,327	73.3	10.1	9.7	19.6	7.1	2000	79,367	4.8	58,426	73.6%	30.2	69.8
	VAP			108,235	81,917	9,661	9,318	18,815	7,503	75.7	8.9	8.6	17.4	6.9	1998	78,453	4.3	34,034	43.4%	30.1	69.9
95	Total	+ 6,336	(+4.56%)	145,348	46,482	68,015	26,944	94,247	4,619	32.0	46.8	18.5	64.8	3.2	2000	71,782	6.7	47,681	66.4%	68.4	31.6
	VAP			100,612	36,068	45,295	16,396	61,336	3,208	35.8	45.0	16.3	61.0	3.2	1998	71,093	6.0	29,449	41.4%	69.6	30.4
96	Total	+ 6,415	(+4.61%)	145,427	109,173	13,945	15,299	28,974	7,280	75.1	9.6	10.5	19.9	5.0	2000	75,342	6.0	54,489	72.3%	30.9	69.1
	VAP			101,557	78,544	8,701	9,473	18,048	4,965	77.3	8.6	9.3	17.8	4.9	1998	66,555	5.3	26,703	40.1%	31.9	68.1
97	Total	+ 6,007	(+4.32%)	145,019	116,947	7,235	14,445	21,523	6,549	80.6	5.0	10.0	14.8	4.5	2000	75,755	5.5	55,390	73.1%	29.0	71.0
	VAP			108,712	89,358	5,215	9,487	14,626	4,728	82.2	4.8	8.7	13.5	4.3	1998	68,281	5.1	29,797	43.6%	30.6	69.4
98	Total	+ 6,379	(+4.59%)	145,391	122,673	3,578	12,654	16,092	6,626	84.4	2.5	8.7	11.1	4.6	2000	77,804	4.6	57,214	73.5%	23.6	76.4
	VAP			100,926	86,134	2,252	8,165	10,335	4,457	85.3	2.2	8.1	10.2	4.4	1998	70,487	4.2	26,811	38.0%	24.4	75.6
99	Total	+ 5,683	(+4.09%)	144,695	87,149	9,596	28,939	38,212	19,334	60.2	6.6	20.0	26.4	13.4	2000	63,359	7.3	44,588	70.4%	27.4	72.6
	VAP			107,640	68,088	6,575	18,977	25,403	14,149	63.3	6.1	17.6	23.6	13.1	1998	57,287	6.5	21,652	37.8%	25.5	74.5

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RED-M200
Data: 2000 Census
PLAN 01328H 10/18/01 17:37:09

POPULATION AND GENERAL ELECTION HISTORY
HOUSE DISTRICTS - PLAN 01328H

Texas Legislative Council
11/09/01 11:19 AM

PLAN 01328H		2000 CENSUS: TOTAL POPULATION: DEVIATION		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	% POPULATION: %A	%B	%H	%B+H	%O	GENERAL ELECTION HISTORY*: -YEAR-	—VOTER REG— TOTAL	%SPAN	—TURNOUT— TOTAL	TO/VR	STATEWIDES** %DEM	%REP
DIST																					
90	Total	+ 3,547	(+2.55%)	142,559	32,592	13,526	92,706	105,671	4,296	22.9	9.5	65.0	74.1	3.0	2000	42,093	39.1	23,062	54.8%	63.8	36.2
	VAP			97,252	27,424	9,812	57,274	66,795	3,033	28.2	10.1	58.9	68.7	3.1	1998	41,629	35.5	12,875	30.9%	65.8	34.2
91	Total	+ 6,573	(+4.73%)	145,585	105,951	12,478	18,711	30,945	8,689	72.8	8.6	12.9	21.3	6.0	2000	69,866	6.5	47,350	67.8%	33.8	66.2
	VAP			105,721	79,817	8,183	11,828	19,903	6,001	75.5	7.7	11.2	18.8	5.7	1998	67,114	5.8	24,064	35.9%	34.9	65.1
92	Total	+ 6,673	(+4.80%)	145,685	110,438	8,929	15,479	24,152	11,095	75.8	6.1	10.6	16.6	7.6	2000	73,186	5.3	52,755	72.1%	29.8	70.2
	VAP			111,057	86,841	6,053	10,455	16,376	7,840	78.2	5.5	9.4	14.7	7.1	1998	71,034	4.8	28,243	39.8%	29.7	70.3
93	Total	+ 684	(+0.49%)	139,696	55,621	28,350	44,134	71,814	12,261	39.8	20.3	31.6	51.4	8.8	2000	44,143	11.3	27,004	61.2%	47.6	52.4
	VAP			98,501	44,326	17,731	27,764	45,187	8,988	45.0	18.0	28.2	45.9	9.1	1998	44,110	9.7	14,313	32.4%	45.0	55.0
94	Total	+ 7,169	(+5.16%)	146,181	111,880	12,588	12,599	24,906	9,395	76.5	8.6	8.6	17.0	6.4	2000	81,696	4.3	60,865	74.5%	29.0	71.0
	VAP			110,416	86,631	8,460	8,529	16,851	6,934	78.5	7.7	7.7	15.3	6.3	1998	80,058	3.9	35,338	44.1%	29.2	70.8
95	Total	+ 4,960	(+3.57%)	143,972	37,550	73,424	30,104	102,800	3,622	26.1	51.0	20.9	71.4	2.5	2000	67,390	6.3	43,043	63.9%	75.3	24.7
	VAP			100,000	30,725	48,942	18,173	66,733	2,542	30.7	48.9	18.2	66.7	2.5	1998	67,630	5.4	27,208	40.2%	76.1	23.9
96	Total	+ 6,553	(+4.71%)	145,565	101,734	18,348	16,678	34,686	9,145	69.9	12.6	11.5	23.8	6.3	2000	72,000	7.0	50,982	70.8%	33.1	66.9
	VAP			98,501	71,177	11,260	10,128	21,228	6,096	72.3	11.4	10.3	21.6	6.2	1998	62,479	6.2	23,433	37.5%	33.4	66.6
97	Total	+ 7,459	(+5.37%)	146,471	106,228	13,812	20,945	34,479	5,764	72.5	9.4	14.3	23.5	3.9	2000	79,256	6.2	59,739	75.4%	34.2	65.8
	VAP			113,376	86,279	9,074	13,713	22,676	4,421	76.1	8.0	12.1	20.0	3.9	1998	76,960	5.8	36,961	48.0%	34.9	65.1
98	Total	+ 5,769	(+4.15%)	144,781	122,703	3,832	11,481	15,174	6,904	84.8	2.6	7.9	10.5	4.8	2000	79,883	4.3	60,239	75.4%	21.9	78.1
	VAP			97,271	83,299	2,328	7,235	9,483	4,489	85.6	2.4	7.4	9.7	4.6	1998	69,833	3.9	28,191	40.4%	22.3	77.7
99	Total	+ 6,712	(+4.83%)	145,724	110,556	7,302	22,453	29,521	5,647	75.9	5.0	15.4	20.3	3.9	2000	71,362	7.4	48,867	68.5%	34.5	65.5
	VAP			107,652	84,779	4,787	14,086	18,768	4,105	78.8	4.4	13.1	17.4	3.8	1998	67,718	6.4	26,910	39.7%	37.4	62.6

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RED-M200
Data: 2000 Census
PLAN 01289H 07/24/01 21:15:53

POPULATION AND GENERAL ELECTION HISTORY
HOUSE DISTRICTS - PLAN 01289H

PLAN 01289H DIST		DEVIATION		2000 CENSUS TOTAL POPULATION TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	% POPULATION %A	%B	%H	%B+H	%O	GENERAL ELECTION HISTORY* -YEAR-	VOTER REG TOTAL	%SPAN	TURNOUT TOTAL	TO/VR	STATEWIDES** %DEM	%REP
89	Total	-4,462	(-3.21%)	134,550	111,612	4,597	14,237	18,709	4,229	83.0	3.4	10.6	13.9	3.1	2000	70,406	4.2	49,234	69.9%	23.6	76.4
	VAP			94,206	79,900	2,879	8,575	11,408	2,898	84.8	3.1	9.1	12.1	3.1	1998	60,101	3.7	24,643	41.0%	25.3	74.7
90	Total	+ 3,547	(+2.55%)	142,559	32,592	13,526	92,706	105,671	4,296	22.9	9.5	65.0	74.1	3.0	2000	42,093	39.1	23,062	54.8%	63.8	36.2
	VAP			97,252	27,424	9,812	57,274	66,795	3,033	28.2	10.1	58.9	68.7	3.1	1998	41,629	35.5	12,875	30.9%	65.8	34.2
91	Total	+ 5,464	(+3.93%)	144,476	105,759	11,349	18,459	29,535	9,182	73.2	7.9	12.8	20.4	6.4	2000	68,957	6.6	46,686	67.7%	33.1	66.9
	VAP			104,676	79,333	7,393	11,720	18,989	6,354	75.8	7.1	11.2	18.1	6.1	1998	65,626	5.8	23,184	35.3%	34.3	65.7
92	Total	+ 6,454	(+4.64%)	145,466	108,055	9,690	17,478	26,934	10,477	74.3	6.7	12.0	18.5	7.2	2000	71,740	5.4	51,514	71.8%	30.2	69.8
	VAP			110,865	85,298	6,629	11,645	18,157	7,410	76.9	6.0	10.5	16.4	6.7	1998	69,549	4.9	27,650	39.8%	30.1	69.9
93	Total	+ 6,594	(+4.74%)	145,606	69,780	27,182	36,624	63,179	12,647	47.9	18.7	25.2	43.4	8.7	2000	53,939	9.5	35,743	66.3%	41.2	58.8
	VAP			103,524	54,266	17,281	23,189	40,163	9,095	52.4	16.7	22.4	38.8	8.8	1998	51,087	8.3	17,658	34.6%	39.4	60.6
94	Total	+ 6,514	(+4.69%)	145,526	101,528	14,526	19,905	34,096	9,902	69.8	10.0	13.7	23.4	6.8	2000	74,993	4.9	54,947	73.3%	30.1	69.9
	VAP			107,718	78,389	9,201	12,908	21,954	7,375	72.8	8.5	12.0	20.4	6.8	1998	74,875	4.4	32,827	43.8%	30.7	69.3
95	Total	+ 3,005	(+2.16%)	142,017	37,419	72,513	29,101	100,887	3,711	26.3	51.1	20.5	71.0	2.6	2000	66,148	5.9	42,118	63.7%	75.4	24.6
	VAP			99,477	31,110	48,502	17,615	65,736	2,631	31.3	48.8	17.7	66.1	2.6	1998	66,335	5.1	26,723	40.3%	76.1	23.9
96	Total	+ 6,613	(+4.76%)	145,625	99,967	20,284	17,025	36,947	8,711	68.6	13.9	11.7	25.4	6.0	2000	72,551	7.2	50,820	70.0%	34.8	65.2
	VAP			99,304	70,705	12,524	10,364	22,730	5,869	71.2	12.6	10.4	22.9	5.9	1998	65,129	6.6	24,232	37.2%	34.8	65.2
97	Total	+ 5,427	(+3.90%)	144,439	106,894	12,385	20,058	32,204	5,341	74.0	8.6	13.9	22.3	3.7	2000	79,209	6.0	59,910	75.6%	33.7	66.3
	VAP			112,008	86,695	8,173	13,149	21,225	4,088	77.4	7.3	11.7	18.9	3.6	1998	76,784	5.5	37,286	48.6%	34.8	65.2
98	Total	+ 5,769	(+4.15%)	144,781	122,703	3,832	11,481	15,174	6,904	84.8	2.6	7.9	10.5	4.8	2000	79,883	4.3	60,239	75.4%	21.9	78.1
	VAP			97,271	83,299	2,328	7,235	9,483	4,489	85.6	2.4	7.4	9.7	4.6	1998	69,833	3.9	28,191	40.4%	22.3	77.7
99	Total	+ 6,712	(+4.83%)	145,724	110,556	7,302	22,453	29,521	5,647	75.9	5.0	15.4	20.3	3.9	2000	71,362	7.4	48,867	68.5%	34.5	65.5
	VAP			107,652	84,779	4,787	14,086	18,768	4,105	78.8	4.4	13.1	17.4	3.8	1998	67,718	6.4	26,910	39.7%	37.4	62.6

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